

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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*IN RE* TERRORIST ATTACKS ON SEPTEMBER 11, 2001 :

:  
: **AFFIDAVIT OF DENNIS G.**  
: **PANTAZIS, ESQ. IN SUPPORT**  
: **OF APPLICATION FOR**  
: **CERTIFICATE OF DEFAULT**

:  
: **1:03 MDL 1570 (GBD)(SN)**  
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**This Document Relates to**  
***Grazioso, et al. v. The Taliban, et al.***  
**1:22-cv-01188 (GBD)(SN)**

I, DENNIS G. PANTAZIS, ESQ., counsel for the *Grazioso* Plaintiffs, hereby submit this Affidavit in Support of an Application for a Clerk's Certificate of Default and state, in support thereof, the following:

1. The *Grazioso* Plaintiffs seek a Clerk's Certificate of Default against Defendant the Taliban.
2. Defendant the Taliban is not an infant, not serving in the United States Armed Forces, nor otherwise incompetent or unavailable.
3. All of the relevant pleadings documents, including the *Grazioso* Plaintiffs' Second Amended Complaint dated August 23, 2022 (*Grazioso* Doc. No. 29; MDL Doc. No. 8428), and Summons, dated August 23, 2021 (*Grazioso* Doc. No. 31; MDL Doc. No. 8424), and certified translations of each (the "*Grazioso* Service Materials"), were properly served on Defendant the Taliban.

4. Defendant the Taliban has failed to enter an appearance in this Court and has not filed any responsive pleading to the *Grazioso* Plaintiffs' Second Amended Complaint, or any other pleading filed by the *Grazioso* Plaintiffs.

5. *Grazioso* Defendant the Taliban has been afforded more than sixty (60) days to file responses, yet has not appeared in that time.

6. This Court, on April 17, 2023, issued an Opinion and Order authorizing the *Grazioso* Plaintiffs to use alternative service methods to serve their pleadings and related materials on Defendant the Taliban pursuant to Fed. R. Civ. P. 4(f)(3) (the "Order"). *See Grazioso* Doc. No. 52; MDL Doc. No. 9024.

I. **Service by the *Grazioso* Plaintiffs on the Taliban by Publication.**

7. The Order authorized the *Grazioso* Plaintiffs to serve the Taliban by, *inter alia*, publication of notice in newspapers, as follows:

The *Grazioso* Plaintiffs shall serve the Taliban by publishing notice of this action at least once per week for four consecutive weeks in *Al-Quds Al-Arabi* and the United States and international editions of *The New York Times*. The content and timing of these notices must follow the requirements of CPLR § 316 and include "a brief statement of the nature of the action and the relief sought." They must also include either all the materials required to be served or a link to publicly accessible online versions of those materials.

Order at 5.

8. Pursuant to the Order, the *Grazioso* Plaintiffs also drafted the following notice in compliance with CPLR § 316 and had it translated into Arabic and into Pashto, the recognized official language of Afghanistan:

**PUBLIC NOTICE**

In the United States District Court for the Southern District of New York, Case Nos. 03-MD-1570-GBD-SN and 1:22-CV-01188-

GBD-SN, on August 23, 2022, Plaintiff Deborah Grazioso, as Personal Representative of the Estate of Timothy Grazioso, Deceased, and 246 other Plaintiffs, filed a Second Amended Complaint against the Islamic Emirate of Afghanistan, *a/k/a* the Taliban, and others in connection with the terrorist attacks in the United States on September 11, 2001.

Pursuant to, *inter alia*, 18 U.S.C § 2333, 28 U.S.C § 1331 and § 1332(a)(2) and the Torture Victim Protection Act of 1991, PL 102-256, 106 Stat. 73, the *Grazioso* Plaintiffs seek judgment in their favor against Defendants, jointly, severally, and/or individually, for compensatory and punitive damages in excess of One Billion US Dollars (US \$1,000,000,000), plus pre- and post-judgment interest, attorney's fees, costs of this action and further appropriate relief. This is a notice that the pleadings have been filed. The pleadings are available in English and Pashto at the following website: [www.wigginschilds.com/grazioso](http://www.wigginschilds.com/grazioso).

See **EXHIBIT A** to *Grazioso* Plaintiffs' Certificate of Service, dated August 2, 2023, at *Grazioso* Doc. No. 57; MDL Doc. No. 9258 (hereinafter "*Grazioso* Service Cert.').

9. Pursuant to the Order and as stated in their notice, the *Grazioso* Plaintiffs facilitated the creation of a publicly accessible online website at [www.wigginschilds.com/grazioso](http://www.wigginschilds.com/grazioso). The website contains the text of their notice in English, Arabic and Pashto, as well as the *Grazioso* Second Amended Complaint and Summons in English and Pashto. See [www.wigginschilds.com/grazioso](http://www.wigginschilds.com/grazioso); see also, **EXHIBIT B** to *Grazioso* Service Cert. (screen capture of first page of [www.wigginschilds.com/grazioso](http://www.wigginschilds.com/grazioso)).

10. Attached to *Grazioso* Service Cert. as **EXHIBIT C** is a true and correct copy of a Declaration of Publication from Pat Sundram, the business manager of *Al-Quds Al-Arabi* newspaper, certifying that the *Grazioso* Plaintiffs' notice was published in that newspaper on April 28, 2023; May 5, 2023; May 12, 2023; and May 19, 2023. The Declaration also includes true and correct copies of pages from *Al-Quds Al-Arabi* on those dates, each of which contains



the published notice. The notice was published in *Al-Quds Al-Arabi* newspaper in Arabic (a copy of the Arabic translation of the notice is attached to *Grazioso* Service Cert. at **EXHIBIT A**).

11. Attached to *Grazioso* Service Cert. as **EXHIBIT D** are true and correct copies of four Proof of Publications from *The New York Times* certifying the publication of the *Grazioso* Plaintiffs' notice in the U.S. edition of *The New York Times*. Attached also at **EXHIBIT D** are true and correct copies of "tearsheets" showing the placements of the *Grazioso* notices in the U.S. editions of *The New York Times* newspaper.

- a. Specifically, attached to *Grazioso* Service Cert. as **EXHIBIT D.1.** is a notarized Proof of Publication signed by Larnyce Tabron, Principal Clerk of *The New York Times*, certifying publication of the *Grazioso* notice on May 3, 2023, as well as a tearsheet showing placement of the May 3, 2023 notice on page B4 in the U.S. edition of *The New York Times* newspaper.
- b. Attached to *Grazioso* Service Cert. as **EXHIBIT D.2.** is a notarized Proof of Publication signed by Larnyce Tabron, Principal Clerk of *The New York Times*, certifying publication of the *Grazioso* notice on May 10, 2023, as well as a tearsheet showing placement of the May 10, 2023 notice on page B4 in the U.S. edition of *The New York Times* newspaper.
- c. Attached to *Grazioso* Service Cert. as **EXHIBIT D.3.** is a notarized Proof of Publication signed by Larnyce Tabron, Principal Clerk of *The New York Times*, certifying publication of the *Grazioso* notice on May 17, 2023, as well as a tearsheet showing placement of the May 17, 2023 notice on page B4 in the U.S. edition of *The New York Times* newspaper.

- d. Attached to *Grazioso* Service Cert. as **EXHIBIT D.4.** is a notarized Proof of Publication signed by Larnyce Tabron, Principal Clerk of *The New York Times*, certifying publication of the *Grazioso* notice on May 24, 2023, as well as a tearsheet showing placement of the May 24, 2023 notice on page B4 in the U.S. edition of *The New York Times* newspaper.
12. Attached to *Grazioso* Service Cert. as **EXHIBIT E** are true and correct copies of four Proof of Publications from *The New York Times* certifying the publication of the *Grazioso* Plaintiffs' notice in the International edition of *The New York Times*. Attached also at **EXHIBIT E** are true and correct copies of "tearsheets" showing the exact placements of the notices in *The New York Times* – International edition.
- a. Specifically, attached to *Grazioso* Service Cert. as **EXHIBIT E.1.** is a notarized Proof of Publication signed by Larnyce Tabron, Principal Clerk of *The New York Times*, certifying publication of the *Grazioso* notice on May 3, 2023 in the International edition of *The New York Times* newspaper, as well as a tearsheet showing placement of the May 3, 2023 notice on page A9 in the International edition of *The New York Times*.
  - b. Attached to *Grazioso* Service Cert. as **EXHIBIT E.2.** is a notarized Proof of Publication signed by Larnyce Tabron, Principal Clerk of *The New York Times*, certifying publication of the *Grazioso* notice on May 10, 2023 in the International edition of *The New York Times* newspaper, as well as a tearsheet showing placement of the May 10, 2023 notice on page A7 in the International edition of *The New York Times*.

c. Attached to *Grazioso* Service Cert. as **EXHIBIT E.3.** is a notarized Proof of Publication signed by Larnyce Tabron, Principal Clerk of *The New York Times*, certifying publication of the *Grazioso* notice on May 17, 2023 in the International edition of *The New York Times* newspaper, as well as a tearsheet showing placement of the May 17, 2023 notice on page A8 in the International edition of *The New York Times*.

d. Attached to *Grazioso* Service Cert. as **EXHIBIT E.4.** is a notarized Proof of Publication signed by Larnyce Tabron, Principal Clerk of *The New York Times*, certifying publication of the *Grazioso* notice on May 24, 2023 in the International edition of *The New York Times* newspaper, as well as a tearsheet showing placement of the May 24, 2023 notice on page A7 in the International edition of *The New York Times*.

13. In conformity with the Order and CPLR § 316, the *Grazioso* notices were published in *The New York Times* newspaper (both the U.S. and International editions) and *Al-Quds Al-Arabi* newspaper once per week for four consecutive weeks.

II. **Service by the *Grazioso* Plaintiffs on the Taliban by Twitter.**

14. The Order further required the *Grazioso* Plaintiffs to serve Defendant the Taliban by sending notice in English, Arabic, and Pashto to known Taliban-related Twitter accounts:

The *Grazioso* Plaintiffs shall additionally serve the Taliban via messages to the Twitter accounts @Abdullah\_azzam7, @IeaOffice, @QaharBalkhi, @Zabehulah\_M33, @QyAhmadi21, and @suhailshaheen1, or any other Twitter accounts reported to belong to Taliban spokespersons. The Twitter messages should be sent in English, with translations into Arabic and Pashto, and contain the same notices published in *Al-Quds Al-Arabi* and *The New York Times*.

Order at 5.

15. The *Grazioso* Plaintiffs created a Twitter account at “@Grazioso\_Plaintiffs.”

16. On May 23, 2023, the *Grazioso* Plaintiffs sent messages in English and Pashto to the Twitter accounts of @Abdullah\_azzam7, @IeaOffice, @QaharBalkhi, @Zabehulah\_M33, @QyAhmadi21, and @suhailshaheen1. See **EXHIBIT F** to *Grazioso* Service Cert.

17. On June 6, 2023, the *Grazioso* Plaintiffs sent Twitter messages in Arabic to the Twitter accounts of @Abdullah\_azzam7, @IeaOffice, @QaharBalkhi, @Zabehulah\_M33, @QyAhmadi21, and @suhailshaheen1. See **EXHIBIT F** to *Grazioso* Service Cert.

18. The *Grazioso* Plaintiffs’ Twitter messages contained the same notice as was published in *Al-Quds Al-Arabi* newspaper and *The New York Times* newspaper, including the link to the pleadings on-line at [www.wigginschilds.com/grazioso](http://www.wigginschilds.com/grazioso). See **EXHIBITS A and B** to *Grazioso* Service Cert.

19. Specifically, attached to *Grazioso* Service Cert. as **EXHIBIT F.1.** are true and correct copies of the Twitter messages, in English, Pashto and Arabic, sent from @Grazioso\_Plaintiffs to @abdullah\_azzam7 on May 31, 2023 and June 6, 2023. It is my understanding that @abdullah\_azzam7 is a Twitter account associated with Abdullah Azzam, the secretary to Taliban Acting First Deputy Prime Minister Abdul Ghani Baradar. Also attached at **EXHIBIT F.1.** is a true and correct copy of a screen capture of the Twitter profile for @abdullah\_azzam7, which states that it is the account of the “Personal Secretary 2 D 1st Deputy PM of D IEA, Mullah Abdul Ghani Baradar.”



20. Attached to *Grazioso* Service Cert. as **EXHIBIT F.2.** are true and correct copies of the Twitter messages, in English, Pashto and Arabic, sent from @Grazioso\_Plaintiffs to @IeaOffice on May 31, 2023 and June 6, 2023. It is my understanding that @IeaOffice is a Twitter account associated with Taliban political spokesman Mohammed Naeem. Also attached to *Grazioso* Service Cert. at **EXHIBIT F.2.** is a true and correct copy of a screen capture of the Twitter profile for @IeaOffice, which states that it is the account of “Spokesman of the Political Office of the Islamic Emirate of Afghanistan.”

21. Attached to *Grazioso* Service Cert. as **EXHIBIT F.3.** are true and correct copies of the Twitter messages, in English, Pashto and Arabic, sent from @Grazioso\_Plaintiffs to @QaharBalkhi on May 31, 2023 and June 6, 2023. It is my understanding that @QaharBalkhi is a Twitter account associated with Abdul Qahar Balkhi, a spokesperson for the Taliban’s Ministry of Foreign Affairs. Also attached to *Grazioso* Service Cert. at **EXHIBIT F.3.** is a true and correct copy of a screen capture of the Twitter profile for @QaharBalkhi, which states that it is the account of “MoFA Spokesperson, Islamic Emirate of Afghanistan.”

22. Attached to *Grazioso* Service Cert. as **EXHIBIT F.4.** are true and correct copies of the Twitter messages, in English, Pashto and Arabic, sent from @Grazioso\_Plaintiffs to @QyAhmadi21 on May 31, 2023 and June 6, 2023. It is my understanding that @QyAhmadi21 is a Twitter account associated with Qari Yousaf Ahmadi, a Taliban spokesperson. Also attached to *Grazioso* Service Cert. at **EXHIBIT F.4.** is a true and correct copy of a screen capture of the Twitter profile for @QyAhmadi21, which states that it is the account of “the spokesman of Islamic Emirate of Afghanistan.”

23. Attached to *Grazioso* Service Cert. as **EXHIBIT F.5.** are true and correct copies of the Twitter messages, in English, Pashto and Arabic, sent from @Grazioso\_Plaintiffs to



@suhailshaheen1 on May 31, 2023 and June 6, 2023. It is my understanding that @suhailshaheen1 is a Twitter account associated with Suhail Shaheen, a Taliban spokesman. Also attached to *Grazioso* Service Cert. at **EXHIBIT F.5.** is a true and correct copy of a screen capture of the Twitter profile for @suhailshaheen1, which states that it is the account of “IEP Permanent Rep-design. To UN, Head of Political Office, former Negotiations Team’s Member.”

24. Attached to *Grazioso* Service Cert. as **EXHIBIT F.6.** are true and correct copies of the Twitter messages, in English, Pashto and Arabic, sent from @Grazioso\_Plaintiffs to @Zabehulah\_M33. It is my understanding that @Zabehulah\_M33 is a Twitter account associated with Zabihullah Mujahid, a spokesperson for the Taliban. Also attached to *Grazioso* Service Cert. at **EXHIBIT F.6.** is a true and correct copy of a screen capture of the Twitter profile for @Zabehulah\_M33, which states that it is the “Official Twitter Account of the Spokesman of the Islamic Emirate of Afghanistan.”

25. Pursuant to the Court’s April 21, 2021 Order, service of the *Grazioso* Service Materials on *Grazioso* Defendant the Taliban is now complete.

26. Additionally, on May 15, 2023, counsel for the *Grazioso* Plaintiffs attempted to send three (3) additional packages of the *Grazioso* Service Materials, with individual translated cover letters into Pashto, to three (3) different representatives of Defendant the Taliban in Kabul, Afghanistan, via Federal Express International (“FedEx”) courier:

- a. Hibatullah Akhundzada, Supreme Leader of the Taliban, Presidential Palace – The Arg, G5GG+5MW, Akber, Kabul, Afghanistan;
- b. Mullah Abdul Ghani Baradar, Deputy Leader of the Taliban, Presidential Palace – The Arg, G5GG+5MW, Akber, Kabul, Afghanistan; and,
- c. Mawlawi Amir Khan Muttaqi, Minister of Foreign Affairs, Ghazian Street - Malek Asghar Square, Kabul, Afghanistan.

Counsel for the *Grazioso* Plaintiffs never received any delivery confirmations for any of these three packages. The FedEx on-line tracking system stated it was “unable to track” these packages.

27. On May 26, 2023, counsel for the *Grazioso* Plaintiffs attempted to send an additional package of the *Grazioso* Service Materials, with an individual translated cover letter into Pashto, via FedEx to the Embassy of Afghanistan in Doha, Qatar. *See* FedEx Transaction Receipt, dated May 26, 2023 at **EXHIBIT A** hereto. The FedEx on-line tracking system noted the package was “Refused by Recipient” in Doha, Qatar on Monday, May 29, 2023 at 9:58. *See* FedEx Tracking Report, dated June 5, 2023 also at **EXHIBIT A** hereto. This FedEx package was returned to counsel for the *Grazioso* Plaintiffs after apparently having been opened. The original package – now opened – was returned to counsel inside a larger plastic FedEx envelope. *See* redacted photograph of the returned package and larger return envelope also at **EXHIBIT A** hereto.

28. On June 21, 2023, counsel for the *Grazioso* Plaintiffs attempted to send an additional package of the *Grazioso* Service Materials, again with an individual translated cover letter into Pashto, via United States Postal Service (“USPS”) to the Embassy of Afghanistan in Doha, Qatar. *See* photograph of package with USPS postage at **EXHIBIT B** hereto; *see also*, USPS Customs Declaration and Dispatch Note and USPS Registered Mail Receipt – Postal Form 3806, also attached hereto at **EXHIBIT B**. Counsel for the *Grazioso* Plaintiffs never received any delivery confirmations for this package.

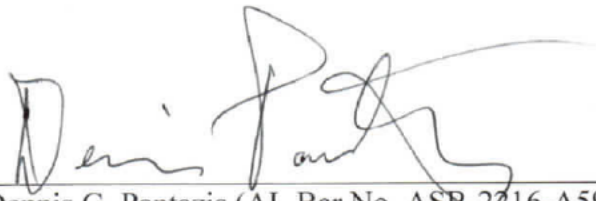
29. Therefore, the Affiant respectfully requests that a Certificate of Default be issued by the Clerk of Court as to *Grazioso* Defendant the Taliban.

**FURTHER THE AFFIANT SAYETH NOT.**

This Affidavit is comprised of twenty-nine (29) separately numbered paragraphs.

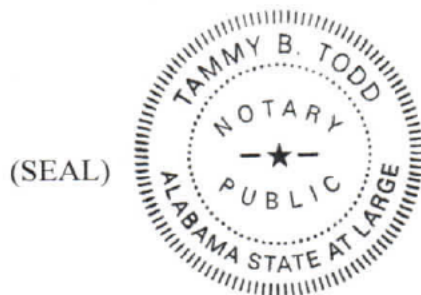
I, DENNIS G. PANTAZIS, being duly sworn, do hereby swear and affirm under penalty of perjury that the contents of this Affidavit are true and correct to the best of my knowledge, information, and belief.


Date: November 7, 2023



Dennis G. Pantazis (AL Bar No. ASB-2216-A59D)  
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(205) 314-0500

Sworn to before me this 7<sup>th</sup> day of November 2023, in Birmingham, Alabama.



  
NOTARY PUBLIC  
My Commission Expires: 8/30/2026